



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,720	05/18/2000	Sean O'Hara	25216-820	9790

29989 7590 10/06/2003

HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER

ZAMANI, ALI A

ART UNIT	PAPER NUMBER
2674	12

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,720

Applicant(s)

O'HARA ET AL.

Examiner

Ali A. Zamani

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,10,12-20,22-26,28,30-32 and 44-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,10,12-20,22-26,28,30-32 and 44-62 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-8, 10, 12-19, 28, 30-32, and 44-56 are rejected under 35

U.S.C. 102(e) as being inherently anticipated by Doval et al. (US Pat. No. 6,476,834 B1).

In regard to claims 1 and 28, Doval discloses a method for software control, comprising: displaying a graphic representing a set of one or more computer function (Fig. 2, col. 4, lines 4-10) on a portion of touch-sensitive screen (130), wherein the touch-sensitive screen is coupled to at least one processor (110) to detect and interpret contact with the screen; detecting a first sequence of one or more contacts caused by a user drawing a first drawing with a user-controlled object on the portion of the screen (Fig. 3, col. 5, lines 57-60); matching the first sequence to a particular action in a set of actions (see Fig. 4); performing the particular action; detecting a second sequence of one or more contacts caused by the user drawing a second drawing with the user-controlled object on the portion of the screen; matching the second sequence to a second action in a set of actions; performing the second action; wherein the visual appearance of the graphic is the same when the user commences drawing the first drawing and commences drawing the second drawing (Figs. 2 –4).

Art Unit: 2674

In regard to claims 5 and 44, Doval teaches that the sequence of contacts is applied within an area that is smaller than an area of the graphic discloses (Fig. 1).

In regard to claims 6 and 45 Doval showed first drawing is an alphabet character (Fig. 2, col. 4, lines 16-17).

In regard to claims 7-8 and 46-47, Doval teaches the sequence includes a gesture that is that is in any shape (circle-rectangle and other shapes (col. 4, lines 35-40).

In regard to claims 10 and 48, Doval teaches that performing the particular action includes a set of graphics to user on the screen and the graphics provides a plurality of user-selectable software options (Fig. 2, col. 4, lines, 50-60).

In regard to claims 12-15 and 49-52, Doval teaches the particular action corresponds to transmitting data by generating a signal at radio frequency (col.1, lines 61-66). Doval also teaches that the methods is capable of running on any general purpose writing-input device or computer system or computer controlled GUI that have the ability to present multimedia and/or virtual information and in an alternative,

In regard to claims 16-19 and 53-56, Doval teaches that a particular action corresponds to transmitting data by a radio frequency (col. 1, lines 61-67). Doval discloses a CPU (110) can be connected (112) via a network adaptor (177) to connect the system (100) to the network (111) (col. 3, lines 58-64) and it is well known in the art the radiation emitter is coupled to wireless network such as a computer, telephone network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2674

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 22-26 and 57-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doval et al. in view of Eagle (US Pat. No. 6,226,739 B1).

In regard to claims 22-26 and 57-60, Doval does not teach the method performing an "operating system function includes deleting one or more software applications from a memory of the handheld computer.

However, Eagle teaches a method and computer program for palm-type device (handheld computer) which the method includes deleting one or more software applications from a memory including the software from a RAM (col. 2, lines 5-30) all application program other than application programs required to support the device operating system to receive the global software distribution package and loading the received global software distribution package into the now available device RAM.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the method of Eagle in the method of Doval et al. to provide a method and program operable on the personal handheld computer through a global software distribution package and transmittable over the world wide web.

In regard to claims 61 and 62, those skill in the art knows the computer memory include, but are not limited to, an electronic memory, deleting one or more software application from a memory that is readable by an a magnetic memory reader and an optical memory reader.

Art Unit: 2674

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ali Zamani

September 22, 2003


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600